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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,282	10/10/2001	Steve Malmkog	1014-139US01	1271
7590	02/01/2006			EXAMINER ZHONG, CHAD
Kent J. Sieffert Shumaker & Sieffert, P.A. Suite 105 8425 Seasons Parkway St. Paul, MN 55125			ART UNIT 2152	PAPER NUMBER
DATE MAILED: 02/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/975,282	MALRNSKOG, STEVE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chad Zhong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 November 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 and 30-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 and 30-43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **OFFICE ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/28/2005 has been entered. Claims 1-28, 30-43 are presented for examination. Claims 1, 21, 30, 31, 40, and 43 are amended; claim 29 is cancelled.

Applicant's remarks filed 11/28/2005 have been considered but are found not persuasive in view at the new grounds at rejection necessitated by Applicant's amendment.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-28 and 30-43 rejected under 35 U.S.C. 103(a) as obvious over Moussa et al. (hereinafter Moussa), US 6,742,043, in view of Applicant Admitted Prior Art (hereinafter AAPA), in further view of eekim.com (hereinafter eekim), CGI Programming Slides, 1996.

4. As per claim 1, Moussa teaches a method for computer networking, comprising:  
receiving a request for a web resource from a remote client (Moussa, Col. 3, lines 40-45);  
processing the request (Moussa, Col. 3, lines 40-65, wherein the proxy is responsible to retrieve request from external server);  
sending the requested response to the client (Moussa, Col. 3, lines 40-65).

Moussa does not explicitly say prior to processing the request, sending a pre-determined message to initiate a page rendering process at the remote client, wherein content of the message is the same regardless of the requested web resource

However, AAPA teaches prior to processing the request, sending a pre-determined message to initiate a page rendering process at the remote client, wherein content of the message is the same regardless of the requested web resource (AAPA, Fig 1, pg 4, lines 15-20, where ACK 124 is sent prior to the actual process of the client request)

Moreover, eekim teaches of a client making a request to a server in a HTTP environment. The request will cause the server to send back an immediate response, one such response is in the form of MIME Types (eekim, pg 1, paragraph 6-8). MIME Type is not the requested media, but a generic message indicating to the client browser of the responding data from the server that has not been sent.

It would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate Moussa and eekim teachings with Moussa, because the combination would improve response time of Moussa's system by notifying the client prior to receiving the actual content (eekim, pg 1, paragraph 6-8).

7. As per claim 2, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 1 above, including the web resource is a new web page (Moussa, Col. 10, lines 45-60).

8. As per claim 3, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 1 above, including the web resource is statically generated (Moussa, Col. 3, lines 40-65, wherein the web page being retrieved is being generated by the remote server).

9. As per claim 4, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 1 above, including the web resource is encoded in an HTML file (Moussa, Col. 10, lines 45-60).

10. As per claim 5, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 1 above, including the web resource is dynamically generated (Moussa, Col. 3, lines 40-65, wherein the web page is being re-formatted and regenerated in the proxy prior to client delivery).

11. As per claim 6, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 1 above, including the web resource is encoded in an XML file (Moussa, Col. 12, lines 15-31).

12. As per claim 7, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 1 above, including the request is received at a server (Moussa, Col. 3, lines 40-65).

13. As per claim 8, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 7 above, including the server is a first server configured to act as a proxy between the client and a second server configured to serve the requested web resource (Moussa, Col. 3, lines 40-65).

14. As per claim 9, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 8 above, including the first server is configured to accelerate the time it takes for the client to download the requested web resource from the second server (Moussa, Col. 10, lines 45-60).

15. As per claim 10, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 1 above, including the message is an application level message (Moussa, Col. 10, lines 45-60).

16. As per claim 11, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 10 above, including the message is an initial generic portion of the response (Moussa, Col. 10, lines 45-60, wherein the actual file requested has not yet arrived from the content server).

17. As per claim 12, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 11 above, including the message includes the first byte of the message (the message sent back by

system of Moussa comprises a plurality of messages with multiple bytes sending over the data network, this limitation is taught by Moussa).

18. As per claims 13-15, claims 13-15 are rejected for the same reasons as rejection to claim 12 above.

19. As per claim 17, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 1 above, including the message is an "H" (Moussa, Col. 6, lines 45-60, wherein the HTTP disclosed in this section is a form of 'H').

20. As per claim 18, claim 18 is rejected for the same reasons as rejection to claim 17 above.

21. As per claim 21, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 1 above, including the proxy can handle plurality of requests from plurality of clients (Moussa, see for example, Fig 1). The remainder of claim 21 is rejected for the same reasons as rejection to claim 1 above.

22. As per claims 22-25, claims 22-25 are rejected for the same reasons as rejection to claims 10, 1, 11, 12 above respectively. Note that IPR message is interpreted the same way as the message sent from proxy back to the client.

23. As per claim 30, claim 30 is rejected for the same reasons as rejection to claim 1 and 21 above.

24. As per claim 31, claim 31 is rejected for the same reasons as rejection to claim 1 and 21 above.

25. As per claim 32, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 31 above, including the server is a web server (Moussa, see for example, Fig 1, item 5).

26. As per claim 33, Moussa – AAPA – eekim disclose the invention substantially as rejected in

claim 31 above, including the server is a first server configured to act as a proxy between the remote clients and a second server configured to serve the requested web resource (Moussa, Fig 1).

27. As per claim 34, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 33 above, including the first and second server are connected via a local area network (Moussa, Fig 1, wherein the servers can exist anywhere on the data network infrastructure).

28. As per claim 35, claim 35 is rejected for the same reasons as rejection to claim 10 above.

29. As per claim 36, claim 36 is rejected for the same reasons as rejection to claim 11 above.

30. As per claim 37-39, claims 37-39 are rejected for the same reasons as rejection to claim 12, 17-18 above respectively.

31. As per claim 40, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 1 above, including a system for use in computer networking, the system comprising:

a computer network;

a web server;

a remote client configured to request a web resource from the web server via the computer network (Moussa, Fig 1); and

an acceleration device positioned intermediate the web server and the remote client on the computer network (Moussa, Fig 1);

the acceleration device being configured to, upon receipt of the request, send an application level, request independent message to the remote client before processing the request (Fig 1, Col. 10, lines 45-60);

wherein the message is a predetermined message having content that does not change for

subsequent requests to different web resources of the web server (AAPA, Fig 1, pg 4, lines 15-20, where ACK 124 is sent prior to the actual process of the client request; eekim, pg 1, paragraph 6-8 ).

32. As per claim 41, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 40 above, including the acceleration device is further configured to accelerate transmission of the web resource from the web (Moussa, Col. 10, lines 45-60).

33. As per claim 42, claim 42 is rejected for the same reasons as rejection to claim 23 above.

34. As per claim 43, claim 43 is rejected for the same reasons as rejection to claims 1, 21, 30, 31 and 40 above.

35. As per claim 16, Moussa – AAPA – eekim disclose the invention substantially as rejected in claim 1 above, including the request is received after executing a TCP handshake (AAPA, pg 4, lines 10-15).

36. As per claim 19-20, claims 19-20 are rejected for the same reasons as rejection to claims 17-18 above respectively.

37. As per claim 26-28, claims 26-28 are rejected for the same reasons as rejection to claims 16, 19-20 above respectively.

### ***Conclusion***

38. In the remark, the applicant argued in substance that Moussa fails to disclose or suggest “sending a generic message to each client before processing each request from a client”

In response to applicant’s amendments, Moussa does not teach “wherein the content of the message is the same regardless of the requested web resource”, Eekim teaches of a client making a

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request to a server in a HTTP environment. The request will cause the server to send back an immediate response, one such response is in the form of MIME Types. MIME Type is not the requested media, but a generic message indicating to the client browser of the responding data from the server that has not been sent. Hence, generic response is inherently taught in Moussa as to adhere to HTTP protocol convention. Furthermore, it would have been obvious in Moussa to send MIME type response before the requested data so as to maintain conformity to the HTTP standard. Additionally, AAPA teaches prior to processing the request, sending a pre-determined message to initiate a page rendering process at the remote client, wherein content of the message is the same regardless of the requested web resource (AAPA, Fig 1, pg 4, lines 15-20, where ACK 124 is sent prior to the actual process of the client request)

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "COMPUTER NETWORK SYSTEM, DEVICE AND METHOD FOR IMPROVED SPEED IN WEBPAGE RENDERING".

- i. US 2002/0112078 Yach, David
- ii. US 2002/0078164 Reinschmidt, Menachem

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

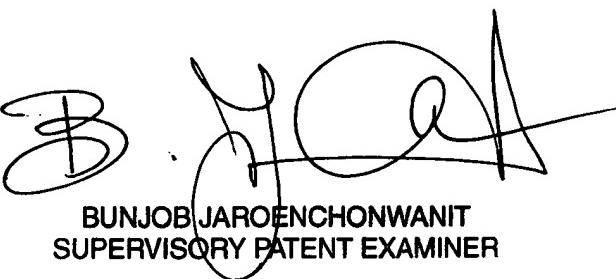
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAROENCHONWANIT, BUNJOB can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ

January 24, 2006



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER